

**Before the  
Federal Communications Commission  
Washington, DC 20554**

**FCC 17M-19**

10785

In the Matter of	)	WT Docket No. 08-20
	)	
<b>WILLIAM F. CROWELL</b>	)	FCC File No. 0002928684
	)	
Application to Renew License for Amateur	)	
Radio Service Station W6WBJ	)	

**ORDER**

**Issued:** April 7, 2017

**Released:** April 7, 2017

**Preliminary Statement**

On March 30, 2017, Crowell filed a Petition to Appear at All Prehearing Conferences by Speakerphone and a Motion for a Field Hearing. In both pleadings, Crowell stated: “I have not the means to travel to Washington, D.C. for any hearings herein. . . . If I am required to travel to Washington, D.C. for hearings herein I will be unable to appear and will be unable to obtain due process of law herein.” However, he did not offer any proof to that effect. The Presiding Judge considers these statements to be an informal – and incomplete – request by Crowell to proceed *in forma pauperis*.

**Crowell’s Request to Proceed *In Forma Pauperis***

In order to qualify for proceeding *in forma pauperis*, Crowell must make a showing that he “cannot carry on his livelihood without the radio license at stake in the proceeding.”<sup>1</sup> If Crowell offers sufficient evidence to make such a showing, he then must show that “he cannot, because of his poverty, pay the expenses of litigation and still be able to provide himself and his dependents with the necessities of life.”<sup>2</sup> Crowell must back up his claim of poverty by affidavit of a person – other than himself – having personal knowledge of Crowell’s financial situation.

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<sup>1</sup> 47 CFR § 1.224(a)(1) (motion to proceed *in forma pauperis*).

<sup>2</sup> *Id.* at § 1.224(b).

Also, Crowell must prove his condition of poverty by disclosing in detail his income, assets, financial obligations, and, for comparison, his estimate of the cost to him of participation.

The Presiding Judge also directs Crowell to submit his own declaration under oath of his condition of poverty, which must also be supported by copies of federal income tax returns for 2015, 2016, and 2017, with attached schedules; a balance sheet for calendar year 2016; a cash flow statement dating from September 1, 2016 to the present that accounts for all income received and all payments made; and copies of tax assessments of Crowell's properties, real and personal, for 2015, 2016, and 2017, as well as proof of payment. Crowell may also, at his option, designate the above financial proof and tax returns as "Confidential."<sup>3</sup>

### **Crowell's Petition to Appear at All Prehearing Conferences by Speakerphone**

On March 30, 2017, Crowell filed his Petition to Appear at All Prehearing Conferences by Speakerphone. Unless and until Crowell submits the evidence of his condition of poverty as ordered above, he is required to attend all conferences in person. Accordingly, his Petition to Appear at All Prehearing Conferences by Speakerphone is **DENIED without prejudice**, and may be refiled after the aforementioned evidence is submitted.

### **Crowell's Motion for a Field Hearing**

On March 30, 2017, Crowell filed his Motion for a Field Hearing. He cited 47 CFR § 1.253 as authority for his field hearing request. That authority for time and place of hearing provides for the Commission having the discretion to set the hearing site or venue.<sup>4</sup>

However, in this case, the Commission by delegation designated the case for hearing before an FCC Administrative Law Judge "at a time and place to be specified in a subsequent Order."<sup>5</sup> The next order was the designation order of the Chief Judge, in which he designated Administrative Law Judge Arthur I. Steinberg to serve as Presiding Judge. That order also directed "that all hearing proceedings shall take place in the Office of the Commission, Washington, D.C."<sup>6</sup> Clearly, it has been established by the above protocol that there will be no field hearing and that all proceedings must be held in Washington, D.C.<sup>7</sup>

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<sup>3</sup> *Id.* However, the Presiding Judge will support his public rulings with hard numbers of Crowell's submissions of verified financial information as ordered above.

<sup>4</sup> 47 CFR § 1.253.

<sup>5</sup> *In re William F. Crowell*, Hearing Designation Order, WT Docket No. 08-20, DA 08-361 at 3 para. 10 (rel. Feb. 12, 2008).

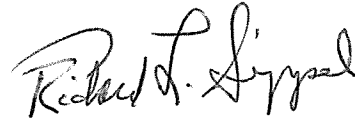
<sup>6</sup> *Order*, FCC 08M-08 (rel. Feb. 15, 2008).

<sup>7</sup> *See also* Enforcement Bureau's Opposition to Crowell's Motion for a Field Hearing at 1-2 (March 30, 2017). There, the Bureau makes a strong showing of the public interests served by holding the hearing in Washington, D.C.

Accordingly, Crowell's Motion for a Field Hearing is **DENIED**.

**SO ORDERED.**

FEDERAL COMMUNICATIONS COMMISSION<sup>8</sup>

A handwritten signature in black ink, reading "Richard L. Sippel". The signature is written in a cursive, flowing style.

Richard L. Sippel  
Chief Administrative Law Judge

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<sup>8</sup> Courtesy copies of this Order will be sent via email to all counsel of record on the date of issuance.